



TESTIMONY FROM THE  
EMPIRE STATION PASSENGERS ASSOCIATION  
ON THE NEW YORK STATE DEPT. OF TRANSPORTATION'S BUDGET

FEBRUARY 15, 2022

Good Day,

Finance Committee Chair Krueger, Ways and Means Committee Chair Weinstein and members of the Legislative committees here today, thank you for the opportunity to testify on the budget of the New York State Department of Transportation. My name is Gary Prophet and I am the President of the Empire State Passengers Association. The Empire State Passengers Association is New York State's advocate on behalf of intercity passenger rail riders and Amtrak service in the state. Today's testimony will focus on the opportunities presented by the passage of the Infrastructure Investment and Jobs Act last November and the readiness of New York State to compete for up to \$66 billion in largely discretionary federal rail infrastructure funds.

**Governor's Budget**

The Governor's budget acknowledges the substantial increase in federal formula funds flowing to the Department by requesting an additional 338 positions to manage the additional workload in design, construction and program management. We applaud the Governor's request and urge the Legislature to monitor the agency's ability to adequately manage the additional work in procurement, accounts payable and project management that the federal highway and transit funding and discretionary rail funding will require.

ESPA is concerned that there is no increase in headcount proposed for the Office of Passenger and Freight Transportation although we note that there is an increase of \$3.9 million, over 20%, in proposed personal services spending. We strongly urge that a portion of these funds be used to fill vacancies created by retirements, separations and hiring freezes that have reduced the ability of the Office to adequately monitor the quantity and quality of the Amtrak service that the State funds and advance critical rail capital projects.

The Governor has also prominently endorsed the replacement of the Livingston Avenue rail bridge connecting not just Rensselaer with Albany, but all Central and Western New York with the Hudson Valley and New York City. Replacement of this bridge is second only to the Gateway Tunnel Project in improving passenger train service in New York. We thank the Governor for leading on this issue.

This 1902 era bridge is restricted to one train at a time operating at 15 mph. Should a safety situation require its closure for any extended period, passenger rail service in the state would be severed and access to the Erie Canal and upper Hudson River possibly restricted.

The State received funding to complete the Environmental Assessment for the Bridge's replacement in 2009, nearly thirteen years ago. It is time for New York State DOT to release the EA for the proposed replacement structure for public comment and begin the next steps to seek federal support for final design work and construction.

### **Operating Budget and Issues**

Subject to negotiations with Amtrak, New York controls Amtrak service in the Empire state – this includes the amount of service offered, the frequency of service, the price of tickets and the quantity and quality of on-board services and amenities. This has been the case since the implementation of the 2008 Passenger Rail Investment and Improvement Act. Apart from the Lake Shore Limited, a federally subsidized long-distance train, all Hudson Valley and Empire Corridor trains and the Adirondack train to Montreal are New York-funded trains.

The Administration has requested \$44 million for the Amtrak subsidy in its FY2023 budget. This is the same figure that the Legislature has appropriated for Amtrak service in the State for several years. NYS DOT uses the funding for both operating and capital costs incurred by Amtrak within the state although the exact details of how these funds are spent remain proprietary and prevent Legislative or public review.

ESPA recommends that the Legislature support the Governor's commitment to government transparency through public release and audit of passenger service vendor contracts. ESPA believes additional disclosure is the first step in providing greater accountability from both agencies as to the quality and quantity of Amtrak service in the State.

Since the beginning of the PRIIA Section 209 program there has been little or no change in Amtrak service in the state other than the severe reductions in service beginning in 2020 attributable to Covid. At the urging of ESPA and many other upstate groups, NYS DOT restored most service west of Albany by early fall of 2021. International service remains suspended resulting in no train service to eight communities north of Saratoga Springs for nearly two years.

Our Association thanks NYS DOT and Amtrak for installing bike racks on all or nearly all New York trains. This long-sought improvement has not been marketed and we urge NYS DOT to allow Amtrak to begin marketing the service. Other states have successfully worked with Amtrak to market bicycle racks on trains to promote tourism and recreational travel. ESPA believes that New York State could get "more bang" for our marketing dollars by managing the promotion of New York State Amtrak service locally rather than paying Amtrak to administer this vital function.

This could be done at little or no additional cost to the budget by repurposing marketing expenditures. The marketing function could be brought in-house under NYS DOT, creating local jobs, or by hiring a New York State agency to manage the marketing working with NYS DOT. The state would have more control and could focus more directly on New York services, fares and attractions through a state-managed marketing program. Washington State, California, Vermont and North Carolina do this well.

ESPA supports two additional Amtrak service enhancements as ridership continues to recover. First, we seek the addition of a baggage car on the domestic portion of the Maple Leaf. Amtrak has new unassigned baggage cars, built in New York State, so the equipment is available. Baggage cars would permit checked baggage at certain stations and remove excess luggage from often crowded coach cars. Of equal importance is the ability to store additional bicycles in the baggage cars providing more capacity for downstate residents to bring bicycles with them for scenic rides and last-mile connections in upstate destinations. In 2020 the State of Pennsylvania added a baggage car to the Pennsylvanian at a cost of approximately \$300,000 annually.

The second service improvement is the extension of one daily NYC to Albany roundtrip to Saratoga Springs so that after the restoration of the Adirondack train, Saratoga Springs would have three daily roundtrips to Albany, the Hudson Valley and New York City. Extending one additional RT train to Saratoga Springs would make commuting trips possible for residents at the northern end of the capital district and improve service to one of the fastest growing areas in upstate New York. A special federal grant program at the FRA subsidizes start-up costs for this type of service enhancement.

### **Creating a Robust State Rail Program within NYS DOT**

As we welcome the passage of the bi-partisan federal infrastructure bill from an Administration in Washington that is strongly supportive of better Amtrak service and expanded mass transit, we continue to worry about the ability of NYS DOT to take advantage of the passenger rail opportunities available to the State.

ESPA believes it is time for NYS DOT to begin building a robust state rail program like active state rail programs in Wisconsin, Connecticut, Michigan, North Carolina, Virginia and California. These states and others have pro-active state rail programs that not only fund their Section 209 Amtrak trains, but also include strong Amtrak oversight activity, multi-year planning programs for improvements to rail service and capital programs designed to take advantage of the billions in new federal matching funds from the Federal Railroad Administration.

NYS DOT's rail program, in the Office of Passenger and Rail Freight, is understaffed as is the capital program design staff dedicated to rail projects. Retirements, separations and hiring freezes under former Governors have left the Office much less active than it was 20 years ago. The Rail Program staff are unable to provide the oversight and review necessary to ensure that the State's \$44 million subsidy to Amtrak is being well spent or that the services contracted for are provided efficiently and at a quality level agreed to by both parties.

ESPA suggests that NYS DOT implement a rail performance Dashboard to measure important customer service data such as percent of trains leaving and arriving on-time, percent of trains that are sold out, ridership by route and other key performance indicators.

NYS's rail planning activities are also insufficient. The Federal Railroad Administration require states to maintain a State Rail Plan and update them every four years. *The last approved NYS Rail Plan was issued in 2009.* ESPA urges funding for an update to our New York State Rail Plan. A failure to do so could jeopardize New York's eligibility to apply for and receive FRA discretionary grant funds.

### **A Capital Program That Can Compete for the Federal Rail Infrastructure Funds**

New York State's last major investments in non-station passenger rail asset improvements were the completion of the fourth track and related signal system improvements at Rensselaer station and the addition of a second track between Rensselaer and Schenectady. These were great projects that have resulted in noticeable on-time improvements for Amtrak service in the state. These projects were funded primarily by the federal Recovery Act in 2009. There have been no significant additional intercity passenger rail investments since then other than the laudable replacement or rehabilitation of train stations in Rochester, Schenectady and downtown Buffalo and our wonderful new Moynihan Train Hall. NYS DOT has very little in the pipeline that they have made known to the public or the State Legislature beyond the Livingston Avenue Bridge replacement.

The lack of a public plan for intercity passenger rail improvements outside of those advancing in the MTA region (Penn Station Redevelopment, East River Tunnels

Rehabilitation and New Haven Line Access to Penn Station) is, at the least, disappointing. There are billions of federal infrastructure dollars that New York can compete for, and the Legislature and public is not informed of any plan to go after those funds for upstate rail projects in addition to the Livingston Avenue Bridge.

The Departments Five-Year Capital Plan must include a passenger rail program that will generate service improvements and travel time savings for New Yorkers. ESPA believes that the State is interested in advancing a Niagara Falls maintenance facility, improvements in track capacity and station platforms in Syracuse and a package of long-discussed investments in Hudson Valley capacity and reliability projects. ESPA supports these projects, but we need a plan of how they can be designed, advertised and constructed and a plan of how we can fund them using State, Amtrak and federal dollars. Keeping everyone in the dark does not help advance these projects.

For many years New York State has used the excuse that there was no federal funding available to advance rail improvement projects upstate and in the Hudson Valley. That claim was not generally accurate over the last five years, and it is certainly not true today. Under past Administrations New York has simply lacked the will or the interest to improve intercity passenger rail service beyond new stations. ESPA urges Governor Hochul to commit the State Department of Transportation to developing a robust and public capital improvement plan for intercity passenger rail service and to implement overdue enhancements to existing service to improve the customer experience.

Time is short and New York is behind other states that have projects much further along in the pipeline. Let's not miss this opportunity.

Thank you for the opportunity to present testimony on the NYS Department of Transportation's state rail program.

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President

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Steve Strauss

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